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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CASE NO. BK-N-18-50677-BTB
Chapter 7

TRISHA ANN VISER,

**DECLARATION OF DEBTOR IN
SUPPORT OF MOTION FOR
VIOLATION OF AUTOMATIC STAY**

Debtor.

Hearing Date: TBD
Hearing Time: TBD

I, TRISHA ANN VISER, hereby declare under penalty of perjury the following:

1. I filed this Chapter 7 bankruptcy case on June 25, 2018. At the time of the filing, I was renting my primary residence at 2050 Longley Lane #503, Reno, Nevada 89502 (the "Longley Property"). Bristle Pointe Apartments is my landlord for the Longley Property.

2. When I completed my bankruptcy schedules, I listed Bristle Pointe on Schedule G of my bankruptcy petition as my landlord. At the time of the bankruptcy filing, I was current on my lease obligations to my landlord.

3. I have five children between the ages of 19 months and 12 years old. I am the only wage earner in my family at this time.

4. On July 20, 2018, I received a voice mail message from my landlord that my rent needed to be paid. I thought that was weird because my landlord should have received notice of my bankruptcy filing by now. I had previously told my landlord that I was filing bankruptcy.

1 5. On July 21, 2018, I called Bristle Pointe Apartments and spoke to Karen. I asked
2 Karen if they had received notice of my bankruptcy filing as they should have because I had filed
3 almost a month prior. Karen said no, the bankruptcy did not matter because they had not received
4 anything in the mail. I then informed her of my bankruptcy case number and offered to bring
5 down documentation. Karen said she would speak to the manager and if they needed the paper
6 work they would call me back. I offered to bring it in regardless, so they would have it. I was
7 really upset this evening, because they did not believe me and I felt they were bullying me for the
8 rent. According to Karen and her manager the rent had to be paid no matter what.

9 6. On July 23, 2018, I answered a phone call from Jasmine at Bristol Pointe
10 Apartments. Jasmine told me I needed to come down with rent immediately otherwise, I was
11 going to be evicted. I asked Jasmine if she got my message from Friday. Jasmine said she did.
12 Jasmine went on to inform me the bankruptcy does not apply to apartments. Jasmine spoke to her
13 supervisor, who accused me of making up the bankruptcy and I created a fake notice of filing. I
14 told her that it does apply to apartments and she is not supposed to be collecting because of
15 bankruptcy rules. She said I needed to pay the rent or else she would prepare the eviction notice.

16 7. On this same date, I called Bristle Point Apartments back and asked them if I could
17 record the conversation, which they consented to. I asked to speak with Jasmine and she was not
18 available, so I spoke with Karen. I confirmed with Karen that they had my bankruptcy case
19 number from our previous conversation and she confirmed. I stated again that they cannot bully
20 me to pay the rent, because I am protected by the bankruptcy stay rules right now. I told Karen
21 that I would bring the notice of bankruptcy to her because they could be sanctioned if they
22 continued this harassment for payment and disregard for the bankruptcy rules. Throughout this
23 conversation, she continued to disregard me and did not care. It made me feel like no matter what
24 they were going to get the rent and they would continue to belittle me until they received the rent.

25 8. After speaking with Karen on the phone, I took the notice of bankruptcy filing to
26 Bristle Pointe Apartments office immediately. I gave Karen the notice of bankruptcy filing and
27 she took a copy of the front page. I also showed her where Bristle Pointe Apartments was
28 included in the bankruptcy petition and I asked her if she wanted to make a copy. Karen said no,
the front page was enough. Karen said she would give it to her manager.

1 9. On July 30, 2018, I received a telephone call from Jasmine with Bristle Pointe
2 Apartments while I was out of town for work in Las Vegas. Jasmine left me a voicemail
3 and informed me that they were going to process the eviction today if I did not bring down rent in
4 30-45 minutes. I was freaking out. They just would not stop this harassment towards me. For
5 the next hour I called the bankruptcy Trustee, the sheriff's department and Reno Justice Court to
6 see what I needed to do. I was worried and sick to my stomach thinking I was not going to have a
7 place for my children and myself to come home to.

8 10. The morning of August 1, 2018, my husband called me and said that the sheriff
9 was in our apartment with a notice to lock us out. I told my husband to show them the notice of
10 bankruptcy filing. I could not believe this was happening. I immediately started feeling anxiety
11 through the roof and was very worried about my children and what was happening right in front
12 of them. The sheriff informed me over the phone that the notice of bankruptcy filing did not
13 matter, and we had 15 minutes to get what we needed and get out, they had the lock out notice. I
14 borrowed a vehicle and headed to the apartment, telling myself to stay calm, stay calm. I kept
15 repeating it over and over because I felt like I was going to have a heart attack, my heart was
16 beating so fast. My oldest son called me while I was on my way to the apartment, he was crying
17 asked me what was going on. I told him I was almost there and to stay calm I will fix this.

18 11. I arrived at the apartment to have two sheriffs watching my husband frantically get
19 5 children ready and put belongings in suitcases. My husband was so worried about our family he
20 did not even take anything for himself. I quickly through a few suit jackets and some pants in my
21 suitcase forgetting undergarments and essentials. My kids were scared and took toys they do not
22 even play with. It was like they felt it was the last time they would see anything ever again. My
23 son started crying about his lizard we were leaving, he asked if we could take her. He was so
24 worried about how she was going to eat and who was going to switch her light. I just said it is
25 going to be alright, we will feed her now and she'll be okay. He looked so distressed but trusted
26 me and walked out in tears. My 5-year-old son and 8-year-old daughter had their arms full of
27 stuffed animals hugging them for comfort. All of this I felt overwhelmed and so frustrated. We
28 forgot our baby's bottle and his favorite blanket but we had diapers. Everything happened so fast
we could not think of the necessities as this was happening. We were so stressed about what was

1 happening and trying to comfort our children.

2 12. On August 1, 2018, after being locked out of our home, I went down to Reno
3 Justice Court. The Reno Justice Court informed me that I needed to file a motion to set aside
4 eviction order. I filed the motion right then at Reno Justice Court. I was panicked with no place
5 for my family to go.

6 13. On August 2, 2018, I still had heard nothing from Reno Justice Court after
7 multiple phone calls of following up on what the status was and if they needed anything to help
8 the process.

9 14. I booked us 2 nights at the Grand Sierra Resort for a total amount of \$200.00 for
10 August 1, 2018 to August 3, 2018. We had to eat out during those 2 days, which is very
11 expensive for a family of 7. I made bottles out of the coffee machine for the baby.

12 15. On the evening of Thursday, August 2, 2018, my family was still locked out of our
13 apartment. I just was losing my mind and could not believe this was happening.

14 16. I ended up asking for Friday off from my boss. I was upset, and unproductive. My
15 kids were due to start school Monday and were calling me asking me about their stuff for school,
16 if they would have their special backpack and supplies, and what about their clothes and would
17 they be home to start school. I could not answer their questions because I was questioning
18 everything at this point. I just kept trying to reassure them we were going to be alright and I
19 would fix this.

20 17. On Thursday, August 2, 2018, after getting off work, I started making calls to the
21 Bankruptcy Court.

22 18. On August 3, 2018, I filed a motion in Bankruptcy Court re: violation of the stay
23 and to set aside eviction order. I finally was able to bring this matter before the Bankruptcy Court
24 on August 3, 2018.

25 Dated this 6th day of August 2018.

/s/ Trisha Ann Viser

26 By: _____
27 TRISHA ANN VISER
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